

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No. : 2011-35589  
Issue No. : 1038  
Case No.: [REDACTED]  
Hearing Date: June 27, 2011  
Wayne (43)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on June 27, 2011. Claimant appeared and testified. [REDACTED] Family Independence Specialist, appeared and testified for the Department of Human Services (DHS).

**ISSUE**

Whether DHS terminated Claimant from the Family Independence Program (FIP) in accordance with its policies and procedures?

**FINDINGS OF FACT**

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. In 2011, DHS provided FIP benefits to Claimant and required her to participate in the Jobs, Education and Training (JET) program in order to receive FIP benefits.
2. On May 9, 2011, DHS issued a Notice of Noncompliance stating that on May 6, 2011, the Claimant was not in compliance with a required activity for the JET program. The Notice of Noncompliance did not identify the activity.
3. On May 13, 2011, DHS issued a Notice of Case Action informing Claimant that DHS would terminate Claimant's FIP benefits unless she demonstrated good cause for noncompliance by May 19, 2011.

4. On May 19, 2011, Claimant submitted a Request for a Hearing to DHS.

### **CONCLUSIONS OF LAW**

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

BEM 230A, "Employment and/or Self-Sufficiency-Related Activities: FIP/RAP [Refugee Assistance Program] Cash," follows Federal and State law which require that every work-eligible individual must participate in JET or other work-related activities. BEM 230A.

In this case, the May 9, 2011 DHS Notice of Noncompliance identifies May 6, 2011, as the date DHS alleges that Claimant was noncompliant. The only activity that was scheduled for the Claimant to participate in that day was a meeting with the assigned case worker. The Claimant credibly testified that she advised the worker that she would be unable to attend the meeting, in advance of the meeting, due to an issue involving her son's school. The reason provided by the Claimant for her lack of attendance at the meeting establishes good cause for her lack of attendance that day.

Despite the date of May 6 identified in the Notice of Noncompliance, DHS testified that the Claimant's noncompliance occurred in April, 2011. However, there was no evidence presented to establish what JET activities were scheduled in April, or to show how the Claimant failed to comply. Moreover, DHS presented no evidence to establish that Claimant was put on notice as to the allegation of noncompliance with JET activities for the month of April.

Accordingly, the DHS did not demonstrate that it acted in accordance with its policies when it concluded that the Claimant was in noncompliance with JET activities.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department did not follow its policies when it concluded that the Claimant was in noncompliance with the JET program without good cause. The Department's actions with respect to this finding of noncompliance are REVERSED. It is ordered that the DHS shall:

1. Reinstate Claimant's FIP benefits retroactive to the date of termination.

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2. Remove from Claimant's case history any disqualification or other negative case action related to the improper finding of noncompliance.
3. Refer Claimant back to the JET program as one of her requirements for receiving FIP benefits.

All steps taken by DHS shall be in accordance with this Opinion and DHS policies and procedures.



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Jan Leventer  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: July 5, 2011

Date Mailed: July 5, 2011

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JL/cl

cc:

